

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN**

AMANDA REIDT, on behalf of herself and  
all others similarly situated,

**CASE NO.: 3:23-cv-00234-slc**

Plaintiff,

**CLASS ACTION**

v.

ADVANCED MARKETING AND  
PROCESSING, INC., d/b/a PROTECT  
MY CAR,

Defendant.

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**DECLARATION OF MICHAEL SABAU**

Pursuant to 28 U.S.C. § 1746, I, Michael Sabau, declare as follows.

1. I am the Vice President of Marketing & Sales Systems for Advanced Marketing & Process, Inc. d/b/a Protect My Car (“PMC” or “Protect My Car”). I am over eighteen years old and am otherwise competent to make this Declaration. I base this Declaration upon my personal knowledge. If called as a witness I could and would testify competently as to the truth of the matters stated herein.

2. Protect My Car sells vehicle service contracts, which are extended vehicle coverage contracts and service plans for vehicles to cover mechanical breakdowns.

3. As part of its business, Protect My Car may generate sales through compliant telemarketing. Protect My Car takes compliance with the Telephone Consumer Protection Act (“TCPA”) and its related regulations seriously and has implemented and employed various policies and procedures to ensure compliance with the TCPA and national do-not-call rules.

4. Protect My Car calls only telephone numbers for which it has prior express consent – an “opt-in” – consistent with the requirements of the TCPA to be called. PMC makes clear to the lead generators with whom it directly deals about these requirements.

5. Protect My Car further ensures the leads and the “opt-ins” it acquires are valid by requiring the lead generators to ensure that each lead is validated and verified by a third-party lead verification service such as Jornaya, an industry leader in lead validation and verification.

6. Through coding that is included in the script of the publisher’s website where the consumer submitted their telephone number and gave prior express written consent, verification services such as Jornaya are able to provide a certification of the disclosure/consent language the consumer was shown and agreed to, as well as information about the lead event (such as the date, time, website address, and IP address).

7. Protect My Car makes it clear to lead generators with which it deals that it does not accept leads that do not have such lead verification certificates of prior express written consent.

8. One of the lead generators with which PMC does business is Digital Media Solutions (“DMS”). DMS is a publicly-traded company (NYSE ticker of DMS) headquartered in Clearwater, Florida.

9. PMC has repeatedly informed DMS over the years, including by me, of Protect My Car’s requirements for TPCA compliant, consent-based leads that have been validated and verified by a third-party service such as Jornaya.

10. According to PMC’s business records, the lead that resulted in the telephone calls placed to Plaintiff at telephone number (715) 894-7249 was provided to PMC by DMS.

11. At PMC’s request, DMS provided the Jornaya Guardian TCPA Report associated with the unique “Lead iD” for Plaintiff’s lead, which was generated from a form submission on a

website on January 15, 2023. A true and correct copy of the Jornaya Guardian TCPA Report is attached hereto as Exhibit A.

12. As stated in the Jornaya Guardian TCPA Report, there is also a Jornaya Visual Playback, a re-enactment based on the session data for the lead event, that can be accessed through the URL <https://vp.leadid.com/playback/5F27BE88-B823-15EC-8986-E265D6FFC3F/1678891455.3122?key=1673790435091>.

13. The Jornaya Guardian TCPA Report, through the Jornaya Visual Playback, reveals that the website on which the lead was created – and on which Plaintiff agreed to the applicable terms and conditions, including an agreement to arbitrate – was <http://jobsflag.com> (the “Site”).

14. The Jornaya Visual Playback re-enacted from the lead event session data shows that on January 15, 2023, Plaintiff enter and submitted her information on the Site and advance to the next page on the Site. The Jornaya Visual Playback also reflects what the Site looked like on that date.

15. I have visited the Site recently. The form submission process and layout is generally the same as what was depicted in the Jornaya Visual Playback re-enactment of Plaintiff's lead event on January 15, 2023.

16. Upon landing on the Site, the visitor was (and still is) offered the opportunity to obtain information about job openings. On the form submission page, the visitor is asked to provide their first and last name, e-mail address, and telephone number.

17. Plaintiff would have entered that information, including her telephone number, on the Site and was required to click a button labeled “Continue” to submit her information. Appearing directly before her on the same screen was the following language:

By clicking "Continue", I declare that I am a U.S resident over 18, I agree to the Privacy Policy and Terms, I provide my consent and signature to have a

representative from JobsFlag, Advocacy Center, AllState, American Police Officers Alliance, Auto Help Center, Career Helper, Consumer Auto Services, Consumer Council, Fuentes, Infinity One, Insurance Guide, Insurance Guide, Job Hunt Helper, Job Resource Center, LifeMatters, Loan Resource Center, Medicare Rewards, National Debt Helpers, National Police & Sheriff's Coalition PAC, Quick Job Finder, RocketJobs, Senior Aid Helper, Senior Life, Top Offers, USA Rate Center, Your Career Helper, Your Degree Helper, Your Financial Guide, and Your Support Guide contact me regarding career opportunities, education opportunities, financial and health products and services at the email and phone number provided, including wireless, using automated technology, pre-recorded calls and/or text messages, and my consent is not a condition of purchase. In addition, I agree to receive special offers by email from JobsFlag and NewJobConnections, as well as job alerts from your advertising partners..

18. A partial screenshot from the Jornaya Visual Playback for Plaintiff's lead event shows the above-quoted layout, the "Continue" button, and the layout on the submission page on the Site on January 15, 2023:



19. I note that the entire submission page can be scrolled up and down in the Visual Playback link referenced above to see the full submission page.

20. As can be seen above, the hyperlinks for the Site's "Privacy Policy" and "Terms" to which the visitor is being told they are agreeing are clearly indicated with underlined hyperlinks.

The hyperlinks and the above-quoted language appear on the screen together with the “Continue” submission button to be clicked.

21. Clicking on the hyperlink for the “Terms” on the Site opens the Terms of Use in a new browser window at <https://jobsflag.com/terms.php>. A true and correct copy of the Terms of Use that currently appears on the Site is attached hereto as Exhibit B.

22. To investigate if the Terms of Use appearing at Exhibit C, in particular the language concerning arbitration, would have been on the Site at the time of Plaintiff’s visit on January 15, 2023, I visited The Wayback Machine Internet Archive (“The Wayback Machine”) at <https://archive.org/web/>. The Wayback Machine is a digital archive of the World Wide Web founded by the Internet Archive, a nonprofit based in San Francisco, California, which allows users to go “back in time” and see how websites looked in the past.

23. The Wayback Machine has only one saved iteration of the Site’s Terms of Use, dating from January 22, 2021, almost two full years prior to Plaintiff’s visit. A true and correct copy of that version of the Terms of Use is attached hereto as Exhibit C. A comparison of the two versions reveals they are identical in all respects except for a change in address and the addition of language regarding SMS text messages. A true and correct copy of a redline comparing Exhibits B and C is attached hereto as Exhibit D.

24. The Jornaya Visual Playback also allows one to enter information in fields to the left of the screen and to see if they match the information that was submitted during the lead event and recorded by Jornaya. Entering Plaintiff’s first and last names and telephone number generates checkmarks showing that they match the information that was submitted during the lead event, as reflected in the below partial screenshot (with Visual Playback Data Overlay showing in which fields the inputted data match):

**VISUAL PLAYBACK**

Form Data 0:10 0:11 / 0:33

Match Data  Audit Results  FAQs

**MATCH DATA**  
Enter values to see if those values match what was actually entered during the lead event.

First Name: Amanda ✓  
 Last Name: Reidt ✓  
 Phone: 7158947249 ✓  
 Email:

To see if additional fields match, enter the data values in the fields below

**Add Field**

✓ - Match  
 ✗ - No Match Found  
 ? - Match to URL Parameter Value

Visual Playback Data Overlay ?

Enter your contact info below

AMANDA
*****
REIDT
*****
7158947249
*****

**Continue**

Yes, send me job alerts via text & email from Neuvo & JobsFlag! By clicking "Continue", I declare that I am a U.S. resident over 18. I agree to the Privacy Policy.

25. As it relates to PMC, the leads generated from the Site by DMS, such as Plaintiff's, were called by an entity under the name of "Auto Help Center," which is one of the entities for which persons, through the Site, gave consent to call them. PMC has no record of obtaining or being provided Plaintiff's telephone number from any source other than the Site.

26. In other words, all of the telephone calls that Plaintiff is suing about that were allegedly from or on behalf of PMC originated from her submission of her telephone number and consented to be called by, among others, "Auto Help Center" on the Site.

[remainder of page intentionally left blank]

I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 12, 2023



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MICHAEL SABAU